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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	Α	TTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,934	04/16/2004	Rudiger Musch		PO8034/LeA 36,711	9010
34947 LANXESS CO	7590 01/10/2008 ORPORATION	/	· [EXAMINER	
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PITTSBURGH	I, PA 15275-1112			ART UNIT	PAPER NUMBER
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	•	•		01/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1)⊠ Responsive to communication(s) filed on 31 October 2007. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) 8-25 is/are withdrawn from consideration. 5)□ Claim(s) 1-27 is/are allowed. 6)☑ Claim(s) 1-27 is/are rejected. 7)□ Claim(s) is/are objected to. 8)□ Claim(s) is/are objected to. 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * ○□ None of: 1.□ Certified copies of the priority documents have been received. 2.□ Certified copies of the priority documents have been received in Application No. 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.			Application No.	Applicant(s)			
## Examiner Peter D. Mulcahy 1796 ## The MAILING DATE of this communication appears an the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ### SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ### SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ### SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH (S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ### SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH (S) OR THIRTY (30) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) OR THIRTY (30) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) OR THIRTY (30) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) OR THIRTY (30) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) OR THIRTY (30) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) OR THIRTY (30) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) OR THIRTY (30) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) OR THIRTY (30) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) OR THIRTY (30) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) OR THIRTY (30) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) DAYS, WHICHEVER IS SET TO EXPIRE 3 MONTH (S) DAYS AND THE SET TO EXPIRE 3 MONTH (S) DAYS AND THE SET TO EXPIRE 3 MONTH (S) DAYS AND THE SET TO EXPIRE 3 MONTH (S) DAYS AND THE SET TO EXPIRE 3 MONTH (S) DAYS AND THE SET TO EXPIRE 3 MONTH (S) DAYS AND THE SET TO EXPIRE 3 MONTH	Office Action Summary		10/825,934	MUSCH ET AL.			
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions or time may be available under the provisions of 37 CFR 11364). In or event, newer, may a reply be timely filed after SIX (8) MONTHS from the making date of this communication. Failute to reply within the set or catendad péridot or review the tytus of the communication. Part of the communication of the provision of		•					
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-7 are rejected under 35 U.S.C. 102(b or e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yourker US 3,639,301 or Christell et al. US Re 36,618.or Musch et al US 6,767,947.
- 4. The rejections set forth under 35 USC 102/103 in the paper mailed 7/24/06 are deemed proper and are herein repeated.
- 5. Applicants remarks filed 10/31/07 have been fully considered but have been found not persuasive.

10/825,934 Art Unit: 1796

6. Applicants continue to argue the process limitations and specifically the storage step as claimed component (b). The maintains that the patentability of the product –by-process is determined by the product being patentably distinct from the cited art. Here, there is no showing or allegation that the products are different. Applicants argue that the art does not disclose a storage step. This is not germane to the patentability of the claimed product. Further, the storage step (b) reads on the time between polymerization and use of the adhesive. The art does not apply the dispersion immediately following polymerization. As such, there is a storage time between polymerization and use. This time is seen to anticipate and/or render obvious the claim limitation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter D. Mulcahy whose telephone number is 571-272-1107. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter D. Mulcahy/ Peter D. Mulcahy Primary Examiner Art Unit 1796

12/27/07

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